



111 Madison St.  
Tiffin, Ohio 44883

# **Sunny Farms Landfill LLC Application for Modification to NPDES Permit Conditions**

*Identification Number: 2IN00136\*ED*

Seneca County Board of Commissioners

Commissioner Anthony Paradiso, Commissioner Tyler Shuff and Commissioner Bill Frankart



## Written Testimony from the Seneca County Board of Commissioners | May 11, 2023

Dear Ohio EPA,

We, the Seneca County Board of Commissioners, are submitting this written testimony to express our opposition to the permit application submitted by WIN Waste Innovations to modify the wastewater discharge permit for Sunny Farms Landfill in Fostoria. This position is rooted in our opposition to any expansion or growth at the landfill and our concern about water quality in the county's streams. If approved, this permit application would allow Sunny Farms Landfill to take another step toward its proposed expansion, which we have already publicly opposed with a resolution approved on June 23rd, 2022. We are including the resolution that articulates our stance on this matter along with this testimony.

We recognize the importance of properly managing solid waste facilities to protect the environment and public health. We also know that this particular facility has a track record of non-compliance with state and federal rules and regulations. As noted in our June resolution, Sunny Farms Landfill was the 9th largest producer of sulfur dioxide in the state of Ohio in 2020, with sulfur dioxide emissions significantly higher than what is allowed at compliant landfills across the state. We are also aware of the deficiencies in the landfill's drainage system observed in Ohio EPA's last two NPDES inspections, which threaten to discharge contaminated runoff into the waters of the state. The issue of water quality holds the utmost significance in our state and to the commissioners. Just an example of this is the H2Ohio Program launched in 2019, which works to take on the longstanding water concerns that have plagued our state. We align ourselves with the governor's leadership and the state's vision to safeguard the purity of the water in our community.

We understand that the permit application submitted by WIN Waste Innovations is related to the company's request to expand the landfill. If the expansion request is approved, this would significantly increase the landfill's footprint both horizontally and vertically, allowing for more waste to be accepted daily. This is unacceptable, given the landfill's history of non-compliance and the potential harm to public health and the environment.

Therefore, we urge the Ohio EPA to deny the permit application submitted by WIN Waste Innovations to modify the wastewater discharge permit for Sunny Farms Landfill. We also call on the Ohio EPA, the Seneca County General Health District and any other regulatory authorities to ensure that the landfill complies with all state and federal rules and regulations. We commit to working closely with the necessary agencies to ensure that citizens are protected from harmful emissions or other potential hazards created by the landfill.

In addition to our opposition, we also wish to make you aware of several concerns brought to our attention, including inquiries by residents who live near the facility. We, as a board of commissioners, do not have the expertise on environmental issues to adequately answer these questions, so we are requesting that Ohio EPA officials research and provide answers to the following:

1. Some are concerned that this wastewater discharge permit and the location change of these sediment ponds could negatively impact the city of Fostoria's drinking water supply. This is believed because the proposed location of the ponds would be closer to the streams that run to the Portage River. Please explain what impact, if any, these changes could have on drinking water.



111 Madison St.  
Tiffin, Ohio 44883

2. Due to a history of noncompliance, many in our community have expressed a desire to put a freeze on additional permitting and expansion until a comprehensive environmental impact study can be completed. What is the feasibility of completing a study like this? Is there any historical precedence at other facilities?
3. Could you please elaborate on how the decision regarding the current permit application may affect the facility's pending Permit to Install application for expansion? Specifically, would a denial of the current permit negatively impact the standing of the application for expansion?
4. The Antidegradation Addendum in WIN Waste Innovations' Application for Modification of Ohio NPDES Permit claims that this project qualifies for an exclusion from the antidegradation rule based on the company's representations that the proposed discharges of oil and grease and total suspended solids will be below 10 milligrams per liter (mg/L) and 65 mg/L, respectively. However, the application does not explain how the company arrived at this conclusion, nor does it contain any calculations, data, or other information to demonstrate the accuracy of these discharge levels. Has the company provided Ohio EPA with any such information? We request that Ohio EPA obtain the information necessary to obtain accurate predictions on the concentrations of pollutants expected to be discharged before accepting any company representations that the project qualifies for any exclusion from antidegradation review. We request that Ohio EPA conduct an antidegradation review of these proposed discharges to ensure that water quality will not be impaired.
5. Since WIN Waste Innovations does not appear to have submitted an application for a permit to install the new wastewater treatment basins, isn't it premature to issue an NPDES permit modification to authorize discharges from basins whose construction has not been authorized? Is information about the basins' dimensions and other design details, which will not be finalized until Ohio EPA approves the plans for the basins, necessary to calculate the amount of settling that will occur in the basins and the potential concentrations of pollutants that may be discharged?

Thank you for considering our written testimony.

Sincerely,

**The Seneca County Board of Commissioners**



\*\*\*\*\*

SENECA COUNTY COMMISSIONERS' OFFICE

June 23, 2022

IN THE MATTER OF: RESOLUTION TO STRONGLY OPPOSE ANY EXPANSION OR GROWTH AT SUNNY FARMS LANDFILL

\_\_\_\_\_ offered the following resolution and moved the adoption of same, which was duly seconded by \_\_\_\_\_

WHEREAS, The Seneca County Commissioners, Mr. Anthony Paradiso, Mr. Mike Kerschner and Mr. Tyler Shuff met this 23rd day of June 2022 in open and regular session, and

WHEREAS, noting that the Ohio Revised Code Section 3734.02 outlines rules for inspecting and licensing solid waste facilities, such as Sunny Farms Landfill located in Loudon Township of Seneca County, to ensure that the facilities will be located, maintained and operated in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3-8, as amended, and

WHEREAS, recognizing that WIN Waste Innovations®, the operator of Sunny Farms Landfill, has filed a Permit to Install Application with the Ohio Environmental Protection Agency to expand the north unit of the landfill, and

WHEREAS, further recognizing that the expansion would significantly grow the footprint of the landfill both horizontally and vertically, allowing for more waste to be accepted daily. If the permit is approved by the Ohio EPA as submitted, it would increase the landfill's allowable daily intake from 7,500 tons to 12,000 tons, making it comparable with the intake currently allowed at Ohio's largest landfills, and

WHEREAS, clarifying that the Seneca County Board of Commissioners has no direct authority over the regulation of landfills, while also emphasizing the importance of timely action by the Ohio EPA, the Seneca County General Health District, and any other regulatory authorities to ensure that the landfill complies with all state and federal rules and regulations, and

WHEREAS, emphasizing the importance of the health and safety of all residents and committing to working closely with the necessary agencies to ensure that citizens are protected from harmful emissions or other potential hazards created by the landfill, and

WHEREAS, noting that Sunny Farms Landfill was the 9th largest producer of sulfur dioxide in the state of Ohio in 2020, according to the Ohio EPA's statewide emissions inventory for 2020, with sulfur dioxide emissions significantly higher than what is allowed at compliant landfills across the state, and

WHEREAS, further noting that while improvements have been made over the past three years under the provisions of a Partial Consent Order between the State of Ohio/Ohio EPA and Sunny Farms Landfill, the landfill will not come into compliance with the Clean Air Act until mid-2023 at the earliest, which does not remediate the impact of high sulfur dioxide emissions over past decades on the environment, and



111 Madison St.  
Tiffin, Ohio 44883

RESOLVED, this board strongly opposes any expansion or growth at Sunny Farms Landfill and urges the landfill's operators to make significant improvements in controlling emissions and completely mitigating potentially harmful health effects at the landfill's current size, and

RESOLVED, this board respectfully requests that WIN Waste Innovations® rescind its Permit to Install Application for expansion of the north unit until Sunny Farms Landfill demonstrates compliance with the Clean Air Act and with all other state and federal rules and regulations, as required of all solid waste facilities in the state of Ohio, and

RESOLVED, this board supports and advocates for the Ohio EPA and Seneca County General Health District to hold Sunny Farms Landfill accountable to the standards met by other landfills across the state through frequent inspections, any necessary enforcement actions, and the introduction of additional controls and safeguards at the facility to ensure compliance with consent orders and all state and federal rules and regulations with respect for the health and safety of Seneca County residents, and

RESOLVED, this board further recommends that the Seneca County General Health District commit more funding and resources to environmental experts to ensure that Sunny Farms Landfill is compliant not only with existing consent orders but also with all state and federal rules and regulations for solid waste facilities, and

RESOLVED, this board commits to working with the Ottawa-Sandusky-Seneca Joint Solid Waste Management District to closely examine current policies and enact new, more effective policies to hold the landfill accountable for being compliant with all state and federal rules and regulations while also exploring all options to maximize community benefits from having a landfill, and

RESOLVED, that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal actions, were in meeting open to the public, in compliance with the law.

Mr. Paradiso – \_\_\_\_\_      Mr. Kerschner – \_\_\_\_\_      Mr. Shuff – \_\_\_\_\_

Attest:

Clerk to the Board

I, the undersigned, Clerk To the Board Seneca County, Ohio, do hereby certify that the foregoing is a true and correct copy from the official record of said Board of County Commissioners as recorded in Journal 90, Page \_\_\_\_\_

Clerk to the Board